

Attorney Docket No. 7222-69477

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 75/457,081: MISCELLANEOUS DESIGN
(Super Bezel)

150094

Published in the Official Gazette of June 5, 2001 in International Class 9

OLD WORLD INDUSTRIES, INC.,)

and)

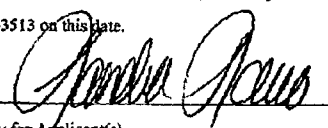
SPLITFIRE INTERNATIONAL, INC.)

Opposers)

AUTO METER PRODUCTS, INC.,)

Applicant.)

I hereby certify that this paper is being deposited with the United States
Postal Service as Express Mail Label No EV 134995525 US to: Assistant
Commissioner for Trademarks, Box TTAB No Fee, 2900 Crystal Drive,
Arlington, VA 22202-3513 on this date.

4/23/03 
DATE Attorney for Applicant(s)

Opposition No. 150,094

**UNOPPOSED MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL NOTICE OF RELIANCE**

To: Assistant Commissioner for Trademarks
Box TTAB NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Applicant, Auto Meter Products, Inc., hereby moved for leave to file a
Supplemental Notice of Reliance pursuant to Section 37 CFR 2.120(j) and TBMP Rule 709 of
the Trademark Board Manual of Procedure. The proposed Supplemental Notice of Reliance

submitted herewith includes invoices of Opposers' survey expert that Auto Meter wishes to enter into evidence as a trial exhibit.

On November 21, 2001, Auto Meter served Old World and Splitfire interrogatories and document requests requesting disclosure of all invoices and payments made to their experts. On March 26, 2003, after timely requests for supplementation by Auto Meter, Old World and Splitfire produced the invoices of their survey expert. Since Auto Meter did not receive these documents until March 27, 2003, Auto Meter was unable to include the documents in its trial exhibits.

Accordingly, Auto Meter respectfully requests that the proposed Supplemental Notice Reliance and accompanying trial exhibit no. 154 be accepted and entered into the record. Counsel for Opposers has indicated that Opposers will not oppose this motion.

Respectfully submitted,

AUTO METER PRODUCTS, INC.

Date: 4/23/03

By: 

Philip T. Petti
Sandra V. Scavo

Fitch, Even, Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, Illinois 60603-3406
312-577-7000
Attorneys for Applicant

309588

Attorney Docket No. 7222-69477

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Application Serial No. 75/457,081: MISCELLANEOUS DESIGN
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Crystal Drive, Arlington, VA 22202-3513 on this date.

4/23/03
DATE


Attorney for Applicant(s)

Opposition No. 150,094

APPLICANT'S SUPPLEMENTAL NOTICE OF RELIANCE

To: Assistant Commissioner for Trademarks
Box TTAB NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Pursuant to 37 CFR 2.120(j) and TBMP Rule 709, opposer hereby gives notice of
its reliance on the following:

Exhibit 154: Invoices of Opposers' Expert Witness, Professor Yoram Wind.

Dated: April 23, 2003

AUTO METER PRODUCTS, INC.

By: _____



Philip T. Petti
Sandra V. Scavo

Fitch, Even, Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, Illinois 60603-3406
312-577-7000
Attorneys for Applicant

309871

WIND ASSOCIATES, INC.

Jerry [Yoram] Wind, President

Telephone (610) 642-2120

FAX (610) 642-2168

1041 Waverly Road
Gladwyne, Pennsylvania 19035

Invoice # 3720

September 2, 2002

Mr. Robert Newbury
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
Suite 5000
311 South Wacker Drive
Chicago, Illinois 60606Consulting Charges during August 2002
Re: Old World Industries

8/1	Telephone discussion with Bob and further work on report	0.50 hours
8/2	Various discussions with DDC regarding data analysis	1.33 hours
8/4	Revision of report	0.66 hours
8/5	Telephone discussion with Bob and further work on report	1.33 hours
8/12	Meeting with Bob in preparation for deposition	0.75 hours
8/13	Deposition (9:30 - 12:45)	<u>3.25 hours</u>
		7.82 hours

Total Due: \$7,820.00

EIN # 23-199-3562

Payment can also be wired directly to: Bank: Hudson United Bank, Haverford, PA 19041
ABA # 031-901-482
Acct. Name: Wind Associates, Inc.
Acct# 474-101-9958

AUTO METER
TRIAL EXHIBIT
154
OW v. AMP
OPP #180,094

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WIND ASSOCIATES, INC.

Jerry [Yoram] Wind, President

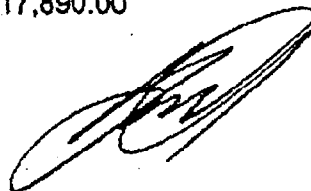
V#12825-009700002
105541Telephone (610) 642-2120
FAX (610) 642-21681041 Waverly Road
Gladwyne, Pennsylvania 19035To LJE / OK /
Invoice # 3713
NK

August 1, 2002

Mr. Robert Newbury
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
Suite 5000
311 South Wacker Drive
Chicago, Illinois 60606Consulting Charges during July 2002
Re: Old World Industries

7/11	Analysis of Bunge Report and review of his deposition	3.50 hours
7/19	Analysis of the verbatim	1.25 hours
7/21-24	Preparation of initial report	5.66 hours
7/25	Revision of report [2.33 hours]; discussions with DDC re: analysis of data [0.66 hours]	2.99 hours
7/26	Discussion with Sanjiv and revision of report	1.50 hours
7/29	Discussion with Sanjiv and Bob and revision of report	1.66 hours
7/31	Discussion with DDC re: data analysis and revision of report	1.33 hours
		17.89 hours

Total Due: \$17,890.00



EIN # 23-199-3562

Payment can also be wired directly to: Bank: Hudson United Bank, Haverford, PA 19041
 ABA # 031-901-482
 Acct. Name: Wind Associates, Inc.
 Acct# 474-101-9958

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00971-0002

WIND ASSOCIATES, INC.

Jerry [Yoram] Wind, President

Telephone (610) 642-2120

FAX (610) 642-2168

1041 Waverly Road
Gladwyne, Pennsylvania 19035

Invoice # 3705

DLV/
OK/

July 1, 2002

Mr. Robert Newbury
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
Suite 5000
311 South Wacker Drive
Chicago, Illinois 60606

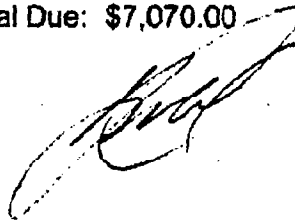
Consulting Charges during June 2002

Re: Old World Industries

6/2-3	Review of the Bunge Report	1.66 hours
6/4	Review of sample questionnaire; discussion with Bob	1.50 hours
6/5	Discussion with DDC and Bob regarding typing of verbatim	0.66 hours
6/20	Discussion with DDC and Bob	0.25 hours
6/23	Review of verbatim and preparation for discussion with Bob	1.75 hours
6/24	Preparation of questions for Bunge Deposition	1.25 hours
		<u>7.07 hours</u>

V 12825
Vch 105315

Total Due: \$7,070.00



EIN # 23-199-3562

Payment can also be wired directly to: Bank: Hudson United Bank, Haverford, PA 19041
ABA # 031-901-482
Acct. Name: Wind Associates, Inc.
Acct# 474-101-9958

WIND ASSOCIATES, INC.
Jerry [Yoram] Wind, President

Telephone [610] 642-2120
FAX [610] 642-2168

1041 Waverly Road
Gladwyn, Pennsylvania 19035

Invoice # 3697

June 5, 2002

Mr. Robert Newbury
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
Suite 5000
311 South Wacker Drive
Chicago, Illinois 60606

Consulting Charges during May 2002
Re: Old World Industries

971-00001

5/30	Discussion with Bob	0.33 hours
5/31	Review of the Bunge report and initial development of a response	1.85 hours
		2.18 hours

Total Due: \$2,180.00

EIN # 23-199-3562

Payment can also be wired directly to: Bank: Hudson United Bank, Haverford, PA 19041
ABA # 031-901-482
Acct. Name: Wind Associates, Inc.
Acct# 474-101-9958


CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Applicant's Unopposed Motion For Leave to File a Supplemental Notice of Reliance, Applicant's Supplemental Notice of Reliance, and Applicant's Exhibit No. 154 was caused to be served on counsel for Opposers in the manner set forth below and addressed to:

Via Hand Delivery

Sanjiv D. Sarwate
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson
311 South Wacker Drive
Suite 5000
Chicago, IL 60606

this 23rd day of April 2003.


An Attorney for Applicant

FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

SUITE 1600 - 120 SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

FACSIMILE (312) 577-7007

DATE: April 23, 2003

NO. OF PAGES: Cover + 11

FROM: Philip T. Petti

DISPATCHED BY: Nancy F.

OUR FILE NO.: 7222/69477

TO: Name: David Mermelstein, Esq.
Company/Firm: Trademark Trial and Appeal Board
City/State/Country: Arlington, VA
Facsimile No.: (703) 746-7083

MESSAGE:

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

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April 23, 2003

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David Mermelstein, Esq.
Interlocutory Attorney
Trademark Trial and Appeal Board
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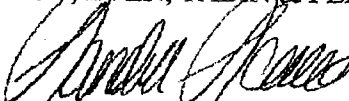
Re: **Old World Industries, Inc. and Splitfire
International, Inc. v. Auto Meter Products, Inc.
Opposition No. 150,094
Our File No.: 7222-69477**

Dear Mr. Mermelstein:

Enclosed please find a courtesy copy of Applicant's Unopposed Motion For Leave to File a Supplemental Notice of Reliance and Applicant's Supplemental Notice of Reliance for the above-referenced opposition. This Motion is being filed with the Trademark Trial and Appeal Board to enter into evidence as a trial exhibit the invoices of Opposers' survey expert. Applicant was unable to submit this trial exhibit during the trial period due to late disclosure.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY



Sandra V. Scavo

SVS/naf/310286

encls.

cc: Sanjiv Sarwate